

REMARKS

The Office Action mailed November 14, 2006 considered claims 1-40. Claims 1-40 were rejected under 35 U.S.C. 101 because the Office Action asserts that the claimed invention is directed to non-statutory subject matter. Claims 2-8, 10-21, 23-38, 30-32, 34-40 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-7, 9-16, 18-40 were rejected under 35 U.S.C. 102(e) as being anticipated by Peng (US 6,928,467) hereinafter *Peng*. Claims 8 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Peng* in view of LaRue et al. (US 2002/0133508) hereinafter *LaRue*.¹

By this paper, claims 1-8 and 22-28 have been cancelled, claims 9-21 and 29-40 have been amended², and new claims 41-46 have been added³ such that claims 9-21, 29-46 remain pending, of which the only independent claims are claims 9, 29, 32, and 33.

Rejections under 35 USC 101

Claims 1-8 and 22-28 have been cancelled. Claims 9, 29, and 33 were rejected for not producing a tangible result. Claims 9 and 33 have been amended to recite "applying one or more of the one or more convey changes messages from the second replica to data at the first replica." Claim 29 has been amended to recite "wherein the convey changes message is used to determine whether or not a change represented in the change argument should be applied to the second replica." These amendments should obviate the rejection.

Rejections under 35 USC 112

Various claims were rejected for lack of antecedent basis. Applicants have amended the dependent claims of the application to recite "The" in reference to a preceding independent claim instead of "A" as previously recited.

Rejections under 35 USC 102 and 103

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Support for the amendments can be found throughout the specification, but with particularity at [028], [029] and originally filed claim 27.

³ Support for the newly added claims can be found throughout the specification and with particularity as follows: claim 41 at [029], claim 42 at [068], [069] and Figure 7c, claim 43 at [039], claim 44 at [039], claim 45 at [039] and [074]-[076], and claim 46 at [074].

The invention is generally directed to implementing a synchronization method for replicas in a synch community. Various embodiments are directed to conveying messages indicating changes of which a replica is aware. This can be useful to accomplish several tasks such as reducing the number of changes that are exchanged as changes which have already been applied do not need to be resent. Also, a replica can advertise changes that it has available such that other replicas can then request needed changes from the advertising replica. Further various conflict resolution tasks can be performed by knowing a version and replica for a particular change.

Illustratively, each of the independent claims recites sending or including knowledge "including information representing changes that are known by the first replica by including information representing a change ID for each change known by the first replica wherein each change ID includes a replica ID associated with the change and a version specific to a specific change...." The art cited in the office action simply does not teach or suggest this limitation.

In direct contrast, Peng shows that version information is represented as a time stamp. See Peng at col. 5, lines 14-25. The time stamp indicates the last known time that an object store has updated at least one of its objects. Id. However, the system of Peng does not include knowledge for each change. In fact, Peng shows that only information for a single object, the last updated object, is sent. While this would allow the system disclosed by Peng to know the most current version based on a time stamp, it does not convey the amount of knowledge claimed in the present application, which includes knowledge about each known change individually. As an illustrative example, attention is directed to new claim 42 where an exception list can be used to represent knowledge outside of a continuum of knowledge. This allows for knowledge to be received from separate sources and a representation to be made including all of the known changes even when all of the known changes may not include changes made between known changes. Peng simply does not have this functionality, but rather assumes that the last known version is sufficient. In particular, Peng only shows that the upper bound of all version vectors is used. Peng at Col. 6, lines 22-26.

LaRue does not compensate for the deficiencies of Peng. Rather, LaRue illustrates a method of preventing circular synchronization. To accomplish this, LaRue sends information mapping fields to be synchronized to fields at a third party. See LaRue at [0055]. However, LaRue fails to teach or suggest "knowledge including information representing changes that are

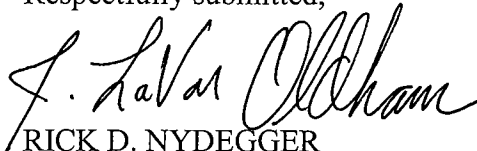
known by the first replica by including information representing a change ID for each change known by the first replica wherein each change ID includes a replica ID associated with the change and a version specific to a specific change...."

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 14th day of February, 2007.

Respectfully submitted,



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